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*in opinion*

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CONCORD, N.H.

Mr. J. M. Geoghegan, Chief  
Real Estate Division  
Corps of Engineers, U. S. Army  
Office of Division Engineer  
150 Causeway Street  
Boston 14, Massachusetts

Dear Mr. Geoghegan:

This is in reference to our previous correspondence on gravel deposits in the Connecticut River.

We are unable to find direct statutory or judicial authority upon the precise question of the ownership of these deposits. From the information supplied us and in reliance upon the sketch which you furnished the Department of Public Works and Highways under date of August 20, 1956, it appears that such deposits lie within the territory over which The State of New Hampshire has jurisdiction as set forth in New Hampshire v. Vermont, 77 L. Ed. 1392.

In numerous cases our Supreme Court has held that the title to the bed of public waters lies in the State either in its proprietary capacity or in trust for the people. This undoubtedly is so in the case of great ponds; whether or not the same is true with respect to the Connecticut River is a question of fact which, so far as we know, has not yet been resolved.

In such circumstances and in the interest of The State of New Hampshire it is our present view that the bed of the Connecticut River is owned by the State except, perhaps, in those places where a clear grant of the soil into private ownership can be shown. Cf. Connecticut River Lumber Co. v. Olcott Falls Co., 65 N.H. 290, 388 et seq.

Very truly yours,

Warren E. Waters  
Deputy Attorney General

WEM/aml